

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 05-CV-12725 (JLT)

KIIMBERLY C. CUTONE and
ANTHONY CUTONE,

Plaintiffs,

v.

ELI LILLY AND COMPANY,

Defendant.

MOTION TO ADMIT PRO HAC VICE

Pursuant to Local Rule 83.5.3, Plaintiffs Kimberly C. Cutone and Anthony Cutone (the “Cutones”), by their attorney, Erica Tennyson, moves the Court to admit Aaron M. Levin from Aaron M. Levine & Associates, 1320 19th Street, NW, Washington, D.C. 20036 pro hac vice for purposes of the above-captioned matter and states:

1. The undersigned is associated with the law firm of Todd & Weld LLP and is a member in good standing of the Bar of the Commonwealth of Massachusetts and the Bar of the United States District Court for the District of Massachusetts.

2. Aaron M. Levine is the president and principal trial lawyer with the law firm of Aaron M. Levine & Associates in Washington, D.C. and has been retained by the Cutones to represent their interests in this action.

3. As shown by his Affidavit filed herewith: (i) Mr. Levine is a member in good standing of the Bar in every jurisdiction in which he has been admitted to practice; (ii) there are no disciplinary proceedings pending against him as a member of the Bar in any jurisdiction; and (iii) he is familiar with the Local Rules of the United States District Court of Massachusetts.

4. The undersigned will serve as local counsel for the Cutones in this matter.
5. The \$50 filing fee for Mr. Levine has been paid.

WHEREFORE, the Cutones request an Order admitting Aaron M. Levine pro hac vice.

Respectfully submitted,

KIMBERLY C. CUTONE and
ANTHONY CUTONE,

By their attorneys,

/s/ Erica Tennyson
Juliet A. Davison, BBO #562289
Erica Tennyson, BBO #660707
Todd & Weld LLP
28 State Street, 31st Floor
Boston, MA 02109
(617) 720-2626

Date: January 11, 2006

CERTIFICATE OF SERVICE

I, Erica Tennyson, hereby certify that this Motion to Admit Pro Hac Vice filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on January 11, 2006.

/s/ Erica Tennyson
Erica Tennyson

**IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

KIMBERLY C. CUTONE, et al.,]	
]	
Plaintiffs,]	
]	
v.]	Civil Action No.: 1:04-cv-12725-JLT
]	
ELI LILLY AND COMPANY, et al.,]	
]	
Defendants.]	

**AFFIDAVIT OF AARON M. LEVINE IN SUPPORT
OF MOTION TO ADMIT PRO HAC VICE**

I, Aaron M. Levine, hereby apply to the Court pursuant to Local Rule 83.5.3 of the United States District Court for the District of Massachusetts for permission to appear and participate in the action on behalf of the Plaintiff, by whom I have been retained, and state:

1. I am a member in good standing of the Bar of the District of Columbia, the United States District Court for the District of Columbia, the United States Court of Appeals and every jurisdiction in which I have been admitted to practice.

2. I am the president and principal trial lawyer of the firm of Aaron M. Levine & Associates, 1320 19th Street, N.W., Suite 500, Washington, DC 20036.

3. The case sub judice is a product liability matter involving an injury to Plaintiff Kimberly Cutone during development before birth.

4. My practice specializes in the area of medical product liability, and in particular DES cases.

5. I have a longstanding relationship with the Plaintiffs, and have been requested to become lead counsel in the case by the Plaintiffs.

6. It would create serious and substantial hardship to the Plaintiffs if the applicant were not allowed to appear as counsel.

7. There are no disciplinary proceedings against me as a member of the bar in any jurisdiction.

8. I am familiar with the Local Rules of the United States District Court for the District of Massachusetts.

I declare under the penalty of perjury that the foregoing is true and correct.

/s/ Aaron M. Levine
Aaron M. Levine

Dated: January 11, 2006